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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
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11 JOHNNY WILLIAM JOHNSON, III,

12 Petitioner,

13 v.

14 WARDEN GITTERE, et al.,

15 Respondents.
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Case No. 3:18-cv-00496-LRH-WGC

ORDER

17 This is a closed habeas corpus action under 28 U.S.C. § 2254. The court had found that
18 petitioner Johnny William Johnson had not exhausted his state-court remedies for all of his
19 grounds for relief. ECF No. 32. The court directed Johnson to decide what he wanted to do with
20 those grounds, and the court noted that it made no guarantees about the timeliness of a
21 subsequently commenced federal habeas corpus action if he decided to voluntarily dismiss the
22 action. Id. at 4-5 Johnson decided to voluntarily dismiss the action. ECF No. 33. The court
23 dismissed the action, again noting that it made no guarantees about the timeliness of a
24 subsequently commenced federal habeas corpus action. ECF No. 35.

25 Johnson now has filed a letter, docketed as a motion, asking for additional time to reopen
26 this action so he can collect and file the proper paperwork. ECF No. 37. Johnson states
27 incorrectly that the court has stayed this action. The court did not stay this action. The court
28 dismissed this action, without prejudice to filing a new habeas corpus petition in a new action,

1 and the court warned Johnson twice that he might have issues with timeliness by dismissing the
2 action. Johnson cannot now simply and unilaterally recharacterize the dismissal of this action as
3 a stay of this action. Consequently, there is no deadline that the court can extend. The court
4 states for a third time what the court already has told Johnson: He dismissed the action without
5 prejudice to commencing a new habeas corpus action, not a reopening of this action, and the court
6 makes no statement about the timeliness of that new habeas corpus action.

7 IT THEREFORE IS ORDERED that petitioner's motion for extension of time (ECF No.
8 37) is **DENIED**.

9 DATED: November 3, 2021.



LARRY R. HICKS
United States District Judge